

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH J. WHITWELL,)	
)	
Plaintiff,)	
)	
v.)	C.A. NO. 05-796 (SLR)
)	
ARCHMERE ACADEMY, INC., a)	JURY TRIAL BY
Delaware corporation; CATHOLIC)	TWELVE DEMANDED
DIOCESE OF WILMINGTON, INC., a)	
Delaware corporation; Rev. EDWARD)	
SMITH, individually and in his official)	
capacity; and Rev. MICHAEL A.)	
SALTARELLI, in his official capacity,)	
)	
Defendants.)	

**MOTION TO DISMISS
OF DEFENDANT REV. MICHAEL A. SALTARELLI**

Pursuant to FRCP 12(b)(6), defendant Rev. Michael A. Saltarelli (“Bishop Saltarelli”), by and through his undersigned counsel, hereby moves to dismiss all counts of Plaintiff’s Complaint, on the grounds, *inter alia*, that (1) Plaintiff’s claims against defendant Bishop Saltarelli are barred by the applicable statute of limitations, (2) Plaintiff’s Complaint fails to state any ground of liability against defendant Bishop Saltarelli, and (3) Plaintiff’s Complaint fails to allege any facts sufficient to support piercing the corporate veil of liability and imposing personal liability on defendant Bishop Saltarelli. The reasons for this Motion will more fully be set forth in defendant Bishop Saltarelli’s opening brief in support of his motion to dismiss, which will be filed in accordance with the stipulated briefing schedule submitted by the parties, subject to the approval of the Court.

WHEREFORE, defendant Rev. Michael A. Saltarelli respectfully requests that this Court enter an Order dismissing with prejudice Plaintiff's Complaint in its entirety as it relates to defendant Bishop Saltarelli.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Anthony G. Flynn

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DATED: March 27, 2006

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capacity; and Rev. MICHAEL A.)	
SALTARELLI, in his official capacity,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that two copies of the attached Motion to Dismiss of Defendant Rev. Michael A. Saltarelli, were served via Electronic Filing upon the following counsel of record:

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DATED: March 27, 2006